



Central Contra Costa Sanitary District

5019 Imhoff Place, Martinez, CA 94553-4392

(925) 228-9500 • www.centralsan.org

FAX: (925) 689-1232

JAMES M. KELLY
General Manager

KENTON L. ALM
Counsel for the District
(510) 808-2000

ELAINE H. BOEHRKE
Secretary of the District

April 16, 2007

Via Email and Facsimile: (510) 622-2460

Mr. Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Mr. Wolfe:

COMMENTS ON THE TENTATIVE ORDER FOR MERCURY FROM WASTEWATER DISCHARGES IN THE SAN FRANCISCO BAY REGION (CA0038849)

The Central Contra Costa Sanitary District (CCCSD) appreciates the opportunity to comment on the Tentative Order (TO) for the Mercury Watershed Permit. CCCSD provides wastewater collection and treatment for approximately 450,000 people in Central Contra Costa County. CCCSD is dedicated to providing excellent customer service at reasonable rates and to meeting all applicable safety and environmental regulations. CCCSD is a member of Bay Area Clean Water Agencies (BACWA) and supports the comments submitted by BACWA in a separate letter.

CCCSD supports the watershed approach to the waste load allocations and the subsequent watershed permit to implement the mercury total maximum daily load (TMDL). The Mercury Watershed Permit regulates both municipal and industrial wastewater dischargers in a manner that is fair and equitable. The Mercury Watershed Permit, for the most part, is consistent with the mercury TMDL adopted by the Regional Water Quality Control Board (RWQCB) on August 9, 2006. The one exception is the addition of enforceable concentration limits summarized in Table 6.

These enforceable concentration limits were not in the TMDL, and require another level of control over and above the aggregate allocations. The inclusion of the enforceable concentration limits adds a third tier to the compliance approach for mercury. CCCSD does not object to the inclusion of the enforceable concentration limit, but hopes that the focus will remain on the attainment of the aggregate allocations.

Mr. Bruce Wolfe

Page 2

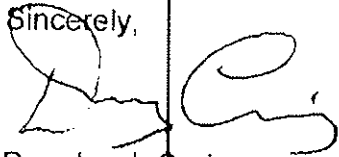
April 16, 2007

CCCSD also supports the use of the Monthly Average Effluent Limit (MAEL) and Daily Maximum Effluent Limit (DMEL) concentration triggers for investigative action. By having trigger levels, CCCSD can investigate, identify, and respond to any elevated mercury levels to minimize mercury discharges into the receiving water. Information developed can further expand pollution prevention activities to address the identified sources.

To summarize, CCCSD fully supports the concepts presented in Mercury Watershed Permit as presented in the Draft TO. CCCSD has included additional comments as an attachment to this letter, which are primarily editorial.

If you have any questions, please contact me at 925-229-7284.

Sincerely,



Douglas J. Craig
Director of Plant Operations

DJC:RS:pk:dk

cc: B. Dhaliwal
A. Farrell
A. Grieb
M. LaBella
M. Penney
T. Pilecki
T. Potter
R. Schmidt
B. Than

Mr. Bruce Wolfe

Page 3

April 16, 2007

ATTACHMENT 1: ADDITIONAL CCCSD COMMENTS

Pages 11 through 15 – Effluent Limitations and Discharge Specifications

Each sub-heading under this section is labeled "Municipal Discharger Effluent Limits" and "Industrial Discharger Effluent Limits," yet almost all subsequent references (except Footnotes 1d and 5) use the word "Discharger" without distinction. CCCSD recommends that either each section maintain the distinction between municipal and industrial when "Discharger" is referenced (at a minimum in the references in Footnote 1a), or that the opening paragraph explicitly specifies that "Discharger" in the subsection only refer to "Municipal Discharger" and "Industrial Discharger," as appropriate. The worst-case scenario is that a violation of the aggregate limit from one group triggers a review and enforcement for all individual dischargers (municipal and industrial) that have exceeded their average annual mercury mass effluent limit if the scope of these sections were to be broadly interpreted by a third party.

Footnote 1a states, "The sum shall be rounded to the nearest kilogram for comparison with the 17 kg/yr aggregate limit. Using the current language regarding rounding, the evaluation of individual limits for compliance determinations will occur for any aggregate amount over 16.5 kg/yr. This rounding is not necessary. With the exception of limits for four agencies in Table 6, all the municipal and industrial discharger limits have at least two significant digits. CCCSD recommends rounding at least to the nearest tenth, if not hundredth, of a kg/yr.

Page 17 – Table 12. Action Plan for Trigger Exceedence

The relationship between "i. Accelerated Sampling," "iii. Action Plan for Mercury Reduction," and "iv. Annual Reporting" requirements in this table are not clear.

With regard to "iv. Annual Reporting," is this requirement invoked indefinitely once a Discharger experiences a trigger exceedence? The text in the "Deadline" column of Table 12 implies this situation to be true. CCCSD recommends that the scope of the annual reporting requirement be explicitly established (e.g. modify "Deadline" text to read "Annually until Discharger demonstrates compliance with the trigger levels for a continuous 12-month period of sampling").

With regard to "i. Accelerated Sampling," the initial accelerated sampling is clear as it applies to the maximum daily trigger levels. However, how does this initial sampling compare to situations where the average monthly trigger level is exceeded, and the timing of the initial accelerated four sampling events spans two calendar months? If a Discharger chose to conduct more sampling than the amount identified in this section of the table, would this data be accepted, especially to demonstrate compliance with the average monthly trigger level? CCCSD recommends modifying the text to clarify this requirement as it applies to the average monthly trigger levels.

Mr. Bruce Wolfe

Page 4

April 16, 2007

If a Discharger demonstrates compliance with the trigger level during the initial four accelerated sampling events, is the requirement in "iii. Action Plan for Mercury Reduction" still invoked? The last sentence of "i. Accelerated Sampling" identifies that a Discharger may discontinue efforts under "iii. Action Plan for Mercury Reduction" if they demonstrate compliance with the trigger levels for three consecutive months after one or more of the four samples during the initial accelerated sampling events exceeds the triggers, but it is silent on the scenario when all four of the initial accelerated sampling events are below the triggers. CCCSD recommends that additional text be added to the second sentence in "i. Accelerated Sampling" section of Table 12 so that it reads "If all four samples show mercury levels below the triggers, return to routine sampling, complete the reporting of this exceedence as required, and do not initiate the Action Plan for Mercury Reduction as required in section iii of this Table." Is an annual report required if an Action Plan for Mercury Reduction is not initiated under the above scenario? CCCSD recommends modifying the text to clarify the scope of the annual report requirement to reflect the appropriate standard for the potential scenarios.

The content of the annual reporting under "iv. Annual Reporting" overlaps with the information required under the Pollution Prevention Program Annual Report of the National Pollutant Discharge Elimination System (NPDES) Permit issued to municipal dischargers. Assuming that RWQCB staff still wants to have mercury reduction programs included in the Pollution Prevention Program Annual Report (even though the text on page i of the mercury watershed TO identifies that it supersedes all mercury requirements in the NPDES Orders issued to dischargers), can the requirement in section iv of Table 12 allow the information to be reported in the Pollution Prevention Program Annual Report? The text in the "Deadline" column of Table 12 would need to be amended to read "Annually due February 1st of each year, or with the Pollution Prevention Program Annual Report submitted by the Municipal Discharger under the Order identified in Attachment B."

Pages 17 to 18 – Mercury Source Control Program for Municipal Dischargers

The dental program identifies that 85 percent of dental offices in the region will be participating in an amalgam program within five years after approval of the TMDL. This reference does not distinguish between dental practices that generate amalgam waste and specialty dental practices that do not generate amalgam waste as part of their routine operations (e.g. orthodontics, periodontics). If the 85 percent standard applies to all dental practices including non-amalgam-generating dental specialties, then achieving the standard will be more difficult region-wide. CCCSD recommends that the text establishing the dental amalgam control program be modified to specify that the 85 percent participation rate only apply to amalgam waste-generating dental practices.

Page 19 – Mercury Discharge Adjustments for Recycled Wastewater Use by Industrial Dischargers

In subsections 5a, 5b, and 5c, the "Discharger" is not identified as the Municipal Discharger or the Industrial Discharger. CCCSD recommends that "Municipal" or

Mr. Bruce Wolfe

Page 5

April 16, 2007

"Industrial" be included with the text of subsections 5a, 5b, and 5c.

**Page D-11 – A. Publicly Owned Treatment Works (POTWs) under Section VII
Additional Provisions – Notification Levels of the Standard Provisions Attachment**

The reference to the subsection is labeled "A" but it should be "B" since the provisions for Non-Municipal Facilities is labeled "A."

Are these subsections (1 through 3) needed with this watershed permit? CCCSD recommends that the conditions be limited to mercury in lieu of the generic reference to pollutants. The standard language is present in the NPDES Permit issued to the Dischargers, so the requirements are already applicable to pollutants.